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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,768	12/27/2001	Marco Johannes Hubertus Peters	Q67918	9801

7590 05/20/2005

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

EXAMINER
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PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/026,768	Peters	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rafael Perez-Gutierrez	2686	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/340,675.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/3/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This Action is in response to Applicant's amendment filed on November 3, 2004. **Claims 1-8 and 10** are still pending in the present application. **This Action is made FINAL.**

#### ***Priority***

2. Applicant has complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120.

3. Acknowledgment is made of Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/340,675, filed on June 29, 1999.

#### ***Information Disclosure Statement***

4. The information disclosure statement resubmitted on November 3, 2004 has been considered by the Examiner and made of record in the application file.

#### ***Specification***

5. The disclosure is objected to because it contains, on **page 1 lines 13 and 14**, an

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embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

6. The disclosure is objected to because of the following informalities:

a) On **page 1 line 10**, replace “e.g.” with --e.g.,--;

b) On **page 2 line 19 and 20**, on **page 4 line 2**, on **page 6 line 8**, on **page 7 line 4**, on **page 8 line 19**, on **page 9 line 16**, on **page 10 line 21**, and on **page 11 lines 7, 15, and 17**, replace “i.e.” with --, i.e.,--;

c) On **page 3 lines 9, 12, 15, and 20**, on **page 4 lines 9, 11, and 30**, on **page 6 lines 19 and 25**, on **page 7 line 7**, on **page 9 line 22**, on **page 10 lines 6-8**, and on **page 12 line 8**, replace “e.g.” with --, e.g.,--;

d) On **page 4 line 25**, on **page 5 line 22**, on **page 10 line 19**, and on **page 11 line 5**, replace “i.e.” with --i.e.,--;

e) On **page 6 line 19**, replace “creditcards” with --credit cards--;

f) On **page 7 line 22**, replace “Finaldly” with --Finally--;

g) On **page 8 line 2**, replace “Figure 1” with --the Figure--; and

h) On **page 8 line 14**, replace “boarders” with --borders--.

Appropriate correction is required.

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***Terminal Disclaimer***

7. The terminal disclaimer filed on November 3, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,337,981 B1 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kawamoto (U.S. Patent # 6,108,554)**.

Consider **claim 1**, Kawamoto clearly shows and discloses a method to provide service to a user in telecommunications network (abstract and figures 1, 4, 7, 8, and 11), comprising:

requesting access by said user to said telecommunication network (abstract, figure 4, column 2 lines 17-24, column 3 lines 43-53, and column 4 lines 43-63); and

providing, by a notifying service provider (i.e., base station 22 and portable telephone system network 23) (figures 1, 7, 8, and 11) to said user, a reply (notification) in which includes a capability to accept a service (e.g., taxi service) of an offered service provider (e.g., a taxi

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company) different from a service (i.e., conventional radiotelephone service) of said notifying service provider (i.e., base station 22 and portable telephone system network 23) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 2**, Kawamoto clearly shows and discloses a service provider (i.e., base station 22 and portable telephone system network 23) (figures 1, 4, 7, 8, and 11) to provide a service to a user in a telecommunication network (abstract), comprising:

a notifier (i.e., base station 22 and portable telephone system network 23) to provide a reply (notification) to said user, said reply (notification) including a capability for said user to accept a service (e.g., taxi service) of an offered second service provider (e.g., a taxi company) different from the service (i.e., conventional radiotelephone service) of said service provider (i.e., base station 22 and portable telephone system network 23) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 3**, and as applied to **claim 2** above, Kawamoto further discloses that said service provider (i.e., base station 22 and portable telephone system network 23) is associated to an access subnetwork (i.e., portable telephone system network 23), whereby a virtual environment is identified with said service provider and said access subnetwork (A virtual environment which enables access to services of offered second service providers (e.g., taxi companies)) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

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Consider **claim 4**, and **as applied to claim 3 above**, Kawamoto also shows and discloses that said service provider (i.e., base station 22 and portable telephone system network 23) is also constituted by said offered service provider (i.e., the network 23 couples the user to offered service providers thereby providing additional services to the user) (abstract and figures 1, 4, 7, 8, and 11).

Consider **claim 5**, and **as applied to claim 3 above**, Kawamoto further shows and discloses that said offered service provider (e.g., taxi company) is constituted by a home service provider (portable telephone system network 23) of said user (e.g., a taxi company offering services to the subscriber through the subscriber's network 23) (abstract, figures 1, 4, 7, 8, and 11, and column 6 line 52 - column 7 line 50).

Consider **claim 6**, and **as applied to claim 3 above**, Kawamoto also shows and discloses the said service provider (i.e., base station 22 and portable telephone system network 23) is also constituted by a home service provider of said user whereby said virtual environment is constituted by a virtual home environment of said user (A virtual environment which enables access to services of offered second service providers (e.g., taxi companies)) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 7**, and **as applied to claim 2 above**, Kawamoto further shows and discloses that when said service provider (i.e., base station 22 and portable telephone system network 23) is not associated to an access subnetwork 24 (i.e., wherein an enterpriser owns server 24), said service provider (i.e., base station 22 and portable telephone system network 23)

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is also constituted by a home service provider of said user (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 8**, and as **applied to claim 7 above**, Kawamoto also shows and discloses that said offered service provider (e.g., taxi company) is associated to said access subnetwork 24, whereby a virtual environment is identified with said access subnetwork 24 and said offered service provider (e.g., taxi company) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, and column 6 line 52 - column 7 line 50).

Consider **claim 10**, Kawamoto clearly show and discloses a telecommunication network (figure 1, 7, 8, and 11) comprising:

at least one service provider (i.e., base station 22 and portable telephone system network 23) (figures 1, 4, 7, 8, and 11) to provide a service (i.e., radiotelephone service) to a user in said telecommunication network (column 2 lines 17-24, column 3 lines 43-53); and

said service provider includes a notifier (i.e., base station 22 and portable telephone system network 23) to provide a reply (notification) to said user, said reply (notification) including a capability for said user to accept a service (e.g., taxi service) of an offered service provider (e.g., taxi company) different from the service (i.e., radiotelephone service) of said service provider (i.e., base station 22 and portable telephone system network 23) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).



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*Response to Arguments*

9. Applicant's arguments with respect to **claims 1-8 and 10** have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**Hand-delivered responses** should be brought to

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Alexandria, VA 22314

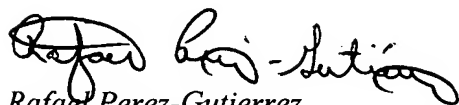
12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

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A handwritten signature in black ink, appearing to read 'Rafael Perez-Gutierrez', with a stylized, cursive script.

*Rafael Perez-Gutierrez*

R.P.G./tpg **RAFAEL PEREZ-GUTIERREZ**  
**PATENT EXAMINER**

May 16, 2005